

REMARKS

After entry of this response, claims 1-40 remain pending in the application. Claims 1, 20, 31 and 40 are currently amended. Claims 11-13, 18, 23 and 32 have been amended previously; claims 2-10, 15-17, 19, 21-22, 25-30, and 34-39 are original; claims 14, 24 and 33 are cancelled; and no claims have been added. Claims 1-40 stand rejected.

Concurrently with this submission, the Applicant is requesting continued examination of this application and is providing payment for an RCE (Request for Continued Examination) under 37 C.F.R. § 1.114. The Applicant believes that no other fees are required, however if additional payment is needed, Applicant will pay any required fees after being notified at the correspondence address or the telephone number listed below.

The present amendment and remarks are in response to a decision by the Board of Patent Appeals and Interferences mailed 12/17/2008, a Notice of Panel Decision from Pre-Appeal Brief Review mailed 2/9/2007, and a final office action after RCE mailed 10/31/2006.

1. Claim Objections

Claims 14, 24 and 33 have been objected to, as indicated in the Notice of Panel Decision from Pre-Appeal Brief Review mailed 2/9/2007 ("Claim(s) objected to: 14, 24, 33"); Section 6 of the Examiner's Answer before the BPAI mailed 9/14/2007 ("...the rejection of claims 14, 24 and 33 is withdrawn and the claims are objected to as being allowable"); and a brief, informal telephonic conversation between the Applicant and pre-appeal brief panel participant Richard Hjerpe held shortly after receipt of the pre-appeal decision. As such, claims 14, 24 and 33 have been incorporated with all of the limitations into base claims 1, 20 and 31, respectively, with claims 14, 24 and 33 subsequently cancelled. In the spirit of the objections, claim 40 has also been amended accordingly. All other claims 2-13 and 15-19; claims 21-23 and 25-30; and claims 32 and 34-39 depend on base claims 1, 20 and 31, respectively.

Therefore, claims 1-13, 15-23, 25-32 and 34-40 should now be in a condition for allowance.

2. Summary

The Applicant respectfully submits that all of the claims in the application define over and are neither anticipated nor made obvious by the cited art, and that claims 1-13, 15-23, 25-32 and 34-40 herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and prompt passage to issue of the current application is respectfully requested. If any questions remain that may be resolved through a personal or telephonic interview, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

The Applicant, whose telephone number is listed below, welcomes phone contact from the Examiner before a formal, written action is prepared to discuss any concerns that may occur.

Respectfully submitted,

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